

# PLANNING COMMISSION MINUTES

August 2, 2000

## CALL TO ORDER:

Vice-Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Vice-Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Sharon Dunham, Chuck Heckman and Eric Johansen. Chairman Dan Maks and Planning Commissioner Betty Bode were excused.

Development Services Manager Irish Bunnell, Principal Planner Hal Bergsma, Senior Planner John Osterberg, Senior Planner Barbara Fryer, AICP, Associate Planner Colin Cooper, AICP, Project Manager Sean Morrison, Assistant City Attorney Ted Naemura, Traffic Engineer Randy Wooley and Planning Consultant Sally Rose represented staff.

The meeting was called to order by Vice-Chairman Voytilla, who presented the format for the meeting.

## VISITORS:

Vice-Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATIONS:

On question, there were no staff communications at this time.

## NEW BUSINESS:

### PUBLIC HEARINGS:

Vice-Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of

1 interest or disqualifications in any of the hearings on the agenda. There was no  
2 response.

3  
4 **A. CUP 2000-0018 – CITY LIBRARY CUP APPROVAL CONDITION**  
5 **MODIFICATION**

6 The applicant requests approval of a Conditional Use Permit (CUP) to modify a  
7 previous condition of approval of the new library, located at 4950 SW Hall  
8 Boulevard, that requires the City to construct a left turn lane within SW Fifth  
9 Street. The left turn lane was intended to provide for left turns at the intersection  
10 of SW Fifth Street and Tucker Avenue. The proposed modification is to delete  
11 the left turn lane from the plan and to instead provide a driveway to the library  
12 parking lot from SW Fifth Street, near the east property line. The site is zoned  
13 Urban High Density (R-1) and is approximately 4.5 acres in size. Other parking  
14 lot and landscape design changes are proposed in association with this  
15 modification.

16  
17 Senior Planner John Osterberg presented the Staff Report and described the  
18 variety of applications submitted over the past several years involving the City  
19 Library. He explained that this particular application involves a very narrow  
20 scope to change a particular Condition of Approval of the original Conditional  
21 Use Permit, specifically a requirement for the construction of a left turn lane on  
22 Fifth Street. Observing that there had been no specification for the location, he  
23 noted that other documents had indicated that this left turn lane would be located  
24 at the intersection of Tucker Avenue and Fifth Street. Observing that this  
25 proposal substantially modifies this Condition of Approval, eliminating the  
26 requirement for this left turn lane, he summarized the proposal, which provides  
27 for alternate improvements, including a direct driveway to the east parking lot as  
28 well as other changes to improve circulation. He concluded, stating that staff has  
29 reviewed and determined that the application complies with all applicable criteria  
30 and recommends approval and offered to respond to any comments or questions.

31  
32 Commissioner Heckman referred to the originally proposed left turn lane from  
33 Fifth Street onto Tucker Avenue, observing that while staff is recommending that  
34 this requirement be eliminated, they are also recommending replacing it with a  
35 left turn from Fifth Street into the east parking lot. He noted that they are also  
36 proposing other modifications to the traffic plan, including the conversion of a  
37 portion of Tucker Avenue to a one-way.

38  
39 On question, Mr. Osterberg informed Commissioner Heckman that the book drop  
40 is located midway between Fifth Street and Third Street, on the west side of  
41 Tucker Avenue, indicating the location on the illustration. He added that  
42 converting a portion of Tucker Avenue to a one-way is necessary to accommodate  
43 adequate traffic circulation.  
44

1 Commissioner Heckman observed that exiting the parking lot to drive on Fifth  
2 Street will necessitate a series of right turns and questioned whether a right-out  
3 and left-out had been considered for this location.

4  
5 Mr. Osterberg advised Commissioner Heckman that this issue would be addressed  
6 by the traffic engineer representing the applicant.

7  
8 On question, Mr. Osterberg advised Commissioner Johansen that a left in  
9 movement would be permitted southbound at the northwest driveway.

10  
11 Commissioner Johansen suggested relocating the entrance to the book drop at the  
12 north end and the exit at the south end of the site. He was informed by Mr.  
13 Osterberg that the intent is for the driver to drop off library materials from the  
14 driver's side window of the car.

15  
16 Commissioners Heckman, Barnard, Dunham and Johansen and Vice-Chairman  
17 Voytilla indicated that they had visited the site.

18  
19 **APPLICANT:**

20  
21 **LINDA ADLARD**, 4755 SW Griffith Drive, Beaverton, OR 97076, Chief of  
22 Staff representing the City of Beaverton, described efforts to create a plan that  
23 would serve the needs and assure the safety of the library patrons, adding that  
24 potential traffic congestion is a major issue in this proposal.

25  
26 **DAVID SHELMAN**, 34 NW First Avenue, Suite 406, Portland, OR 97209,  
27 representing Thomas Hacker & Associates, addressed the overall traffic issues  
28 and discussed the challenges of this development.

29  
30 **HOWARD STEIN**, 8196 SW Hall Boulevard, Suite 308, Beaverton, OR 97008,  
31 representing Stein Engineering, distributed an illustration of the site depicting the  
32 proposed location of the driveway and discussed the proposal to alleviate  
33 potential traffic problems. He concluded his presentation, offering to respond to  
34 any comments or questions.

35  
36 Commissioner Dunham observed that the curb cuts have been completed on the  
37 driveway right off of Fifth Street, expressing her opinion that the appearance is  
38 very narrow.

39  
40 Mr. Stein advised Commissioner Dunham that the intent is for the appearance to  
41 clearly indicate this one-way inbound driveway.

42  
43 Ms. Adlard confirmed that the speed limit in this area is 25 miles per hour.

44  
45 Commissioner Heckman referred to the northwest exit, specifically a situation in  
46 which he might travel eastbound to Fifth Street.

1 Mr. Stein stated that a left turn is permitted at this location, and Commissioner  
2 Heckman observed that the illustration indicates only a right out and that the new  
3 configuration should be entered into the record.

4  
5 Commissioner Barnard questioned whether the only public entrance to the library  
6 is located on the south side, and Ms. Adlard advised him that a staff entrance is  
7 located on the north end of the facility and that the public must enter from the  
8 south.

9  
10 Vice-Chairman Voytilla referred to traffic circulation around the book drop area,  
11 and was informed by Mr. Stein that a vehicle could legally turn both left and right  
12 from that point and that there will be no on-street parking on Tucker Avenue.

13  
14 On question, Ms. Adlard informed Commissioner Dunham that any vehicle  
15 utilizing the drop box should be able to return their materials directly from the  
16 driver's window.

17  
18 On question, Ms. Adlard advised Commissioner Dunham that she does not have  
19 the statistics indicating the number of individuals who utilize the drop box versus  
20 those who actually enter the library to return their materials and check out  
21 additional materials. She mentioned that the drop boxes are traditionally used late  
22 at night throughout the early morning hours, adding that the drop boxes are very  
23 busy and bins are emptied approximately every fifteen to thirty minutes. She  
24 assured Commissioner Dunham that any procedure that was not working or  
25 created safety issues would be changed as soon as possible.

26  
27 Expressing concern with safety issues, Commissioner Heckman emphasized that  
28 vehicles exiting the book drop area should be permitted to make a right turn only,  
29 adding that this could be easily accomplished with concrete curbing.

30  
31 Ms. Adlard assured Commissioner Heckman that she shares his concern with  
32 numerous vehicles crossing the only crosswalk available from the parking lot to  
33 the library. She requested the opportunity to test this proposal on a trial basis, and  
34 Commissioner Heckman expressed his concern that this test creates the potential  
35 for an accident.

36  
37 Mr. Stein observed that these vehicles would be traveling through the crosswalk  
38 from a stopped position, adding that the risk of an accident at this low rate of  
39 speed is extremely unlikely.

40  
41 **PUBLIC TESTIMONY:**

42  
43 On question, no member of the public appeared to testify at this time.

44  
45 On question, Mr. Osterberg stated that he had no further comments at this time  
46 and offered to respond to any final questions.

1 On question, Traffic Engineer Randy Wooley informed Commissioner Heckman  
2 that because of the low speeds and relatively low traffic volume at this location,  
3 he has no great concern with the traffic issue at the book drop, and observed that  
4 additional signage may resolve any problems.

5  
6 On question, counsel had no comments or questions at this time.

7  
8 The public portion of the Public Hearing was closed.

9  
10 Commissioner Dunham expressed concern with traffic issues at the northwest  
11 corner of the site.

12  
13 Commissioner Barnard observed that the entire area generates a great deal of  
14 pedestrian traffic and expressed his opinion that the proposal is feasible and offers  
15 the best case scenario available.

16  
17 Commissioner Johansen discussed the traffic situation at the site and expressed  
18 his support of the application and his opinion that some options should be left  
19 open.

20  
21 Commissioner Heckman emphasized his concern with the traffic in the book drop  
22 area, requesting the addition of a Condition of Approval providing that this  
23 situation be monitored.

24  
25 Vice-Chairman commented that he feels comfortable that the City of Beaverton is  
26 capable of monitoring this situation and determining appropriate action, if  
27 necessary, adding that he is in support of the application.

28  
29 Commissioner Johansen **MOVED** and Commissioner Heckman **SECONDED** a  
30 motion to approve CUP 2000-0018 – City Library CUP Approval Condition  
31 Modification, based upon the testimony, reports and exhibits presented during the  
32 public hearing on the matter and upon the background facts, findings and  
33 conclusions found in the Staff Report dated August 2, 2000, including Conditions  
34 of Approval Nos. 1 and 2, and the following addition:

- 35  
36 3. That the City shall monitor the function of the northwest driveway  
37 and the exit of the book drop off and should safety concerns be  
38 present, report back to the Planning Commission for appropriate  
39 modifications to the directions of movement from the book turn  
40 around driveway.

41  
42 Motion **CARRIED**, unanimously.

43  
44 **OLD BUSINESS:**

45  
46 **CONTINUANCES:**

**A. CPA 99-00025 – COMPREHENSIVE PLAN LAND USE AMENDMENT**

(Continued from June 21, 2000)

Notice of the initial hearing on this proposal was originally provided on December 17, 1999. The Planning Commission conducted hearings on the proposal on January 19, 2000, March 15, 2000, April 12, 2000, June 21, 2000, and will be continued on August 2, 2000. As originally described, “The proposed amendment will replace the existing Land Use Element. The proposal intends to complete Metro requirements related to land use requirements in local jurisdiction comprehensive plans. Both map and text changes will be included in the proposal.” Metro Code Section 3.07.130 requires local governments to identify Design Type Boundaries. The proposed amendment modifies the Land Use Element to more specifically identify the Metro Design Types, to specify boundaries and to collate common policies among the design types. Existing language will be modified to the extent that information can be made more clear, concise or consistent with other sections of the same element. In addition, the proposed amendment may:

- Remove references to the City’s housing program and relocate them to the Housing/Economy Element;
- Remove references to the City’s Urban Services Area and relocate them to the Public Services Element;
- Amend the Comprehensive Plan map to coincide with Land Use Element text changes; and
- Place text provisions related to specific sub-areas of the City, such as the Downtown and the Murray/Scholls Town Center, in separate documents as addenda to the Comprehensive Plan.

Principal Planner Hal Bergsma introduced himself and Senior Planner Barbara Fryer, who presented the Staff Report and discussed the document, which she described as an extension of all of the work that has been completed so far. She mentioned Exhibit 1, which is the new Land Use Element to the Comprehensive Plan, adding that this replaces the existing text and map, in its entirety. She referred to Exhibit 2, which is the text in the current Comprehensive Plan, adding that it is anticipated that this will be more appropriately located in other sections of the Comprehensive Plan. She discussed Exhibit 3, which contains the Community Plans, adding that staff is proposing that Volume 1 would be the Comprehensive Plan; and Volume 2 would include the background documents and supporting data. She stated that Volume 3, which is currently the Public Facilities Plan, would be replaced by the Goal 5 Resource Inventories. She discussed the potential relocation of the current Transportation System Plan, adding that when the 2020 Update is finalized it would become Volume 4; Volume 5 would include the Community Plans; and Volume 6 would be the City Development Code. She discussed the last meeting at which there had been issues regarding the Campus Industrial zone, specifically the area off of Allen Boulevard. She observed that these would be out of conformance with the Comprehensive Plan if the Industrial land use designations were modified, and

1 Campus Industrial would not be allowed, adding that the Campus Industrial zone  
2 had been added back in to the industrial designation and the matrix.

3  
4 Ms. Fryer discussed Metro's Title 4 Lands Maps, which are the Employment and  
5 Industrial Areas attached as Exhibit 4, noting that several of these locations are  
6 incorrect and that amendments to these maps have been proposed. Observing that  
7 staff has requested that this Public Hearing be continued to August 30, 2000, she  
8 offered to respond to any questions or comments regarding the formatting, details  
9 and approach to the proposal and requested suggestions for additional  
10 clarification.

11  
12 On question, Ms. Fryer advised Commissioner Heckman that she is uncertain  
13 whether the agenda for August 30, 2000 includes any other Public Hearings.

14  
15 Commissioner Heckman expressed his opinion that this issue is controversial and  
16 should be the only agenda item for that particular date.

17  
18 Associate Planner Colin Cooper advised Commissioner Heckman that there are  
19 currently no other items on the agenda for August 30, 2000, assuring him that  
20 efforts could be made to attempt to limit that agenda to this particular item.

21  
22 Commissioner Barnard expressed his appreciation to Ms. Fryer for her efforts in  
23 improving the colors of the map allowing for easier identification.

24  
25 **PUBLIC TESTIMONY:**

26  
27 On question, no member of the public appeared to testify at this time.

28  
29 Commissioner Heckman **MOVED** and Commissioner Dunham **SECONDED** a  
30 motion to continue the Public Hearing for CPA 99-00025 – Comprehensive Plan  
31 Land Use Element to a date certain of August 30, 2000.

32  
33 On question, Ms. Fryer assured Commissioner Heckman that any verbal or  
34 written comments or questions received in a timely manner will be provided to  
35 Commissioners prior to the Public Hearing.

36  
37 Motion **CARRIED**, unanimously.

38  
39 8:15 p.m. to 8:20 p.m. – break.

40  
41 **B. RZ 99-00020 – CORNELL ROAD REZONE OF TAX LOT 100**

42 (Continued from July 26, 2000)

43 Request for approval of a Rezone to change the City's zoning designation from  
44 Office Commercial (OC) to Community Service (CS) on an approximately 2-acre  
45 parcel located on the north side of Cornell Road, between 167<sup>th</sup> Place and Twin  
46 Oaks Drive. The development proposal is located on Assessor's Map 1N1-31AA,

1 on Tax Lot 100, and is currently zoned Office Commercial (OC). The site is  
2 approximately 2.37 acres in size.

3  
4 Commissioners Heckman, Barnard, Johansen and Dunham and Vice-Chairman  
5 Voytilla indicated that they had visited the site.

6  
7 Associate Planner Colin Cooper presented the Staff Report and discussed the  
8 request to rezone approximately 2.37 acres of land from Office Commercial to  
9 Community Service, adding that both of these zoning districts fall within the same  
10 comprehensive plan designation of commercial. He concluded, observing that  
11 staff is recommending approval of the application, and offered to respond to any  
12 questions or comments.

13  
14 Traffic Engineer Sean Morrison pointed out that Washington County has  
15 jurisdiction over Cornell Road, adding that it is identified on the City's  
16 Comprehensive Plan as a five-lane arterial street in this location. He mentioned  
17 that Washington County had submitted a letter indicating no comment other than  
18 their right to reserve any requirements for actual development on this land.

19  
20 Commissioner Heckman referred to page 9 of the Staff Report, specifically the  
21 intent to allow retail usage, observing that the only restriction appears to involve  
22 the decrease of building height from 35 feet to 30 feet.

23  
24 Mr. Cooper agreed, noting that the permitted uses in the Community Service zone  
25 are actually increasing the opportunities for both the City of Beaverton and the  
26 applicant, adding that the applicant can submit an application for a Conditional  
27 Use Permit to increase the building height if a valid reason can be provided.

28  
29 On question, Mr. Cooper informed that the CS zoning would allow for the  
30 operation of a school providing instruction in data entry and business courses,  
31 adding that both public and private educational services are a permitted use.

32  
33 Commissioner Heckman referred to page 11 of the Staff Report, specifically the  
34 comment that this will not introduce strip commercial development patterns to  
35 NW Cornell Road.

36  
37 Observing that strip development is basically uncontrolled access to commercial  
38 property, Mr. Cooper pointed out that the site will access to NW Cornell Road  
39 and will be strictly controlled by county spacing standards, adding that this  
40 particular property has already been assigned its access location.

41  
42 Commissioner Heckman referred to page 14 of the Staff Report, specifically the  
43 reference to approximately thirteen additional trips during a.m. and p.m. peak  
44 hours, and questioned whether this would also apply if a bank and a fast food  
45 restaurant were located at this site.

46



1 Mr. Morrison observed that a bank does not have the same p.m. peak period as a  
2 fast food restaurant, expressing his opinion that the traffic would be staggered.  
3 On question, he informed Commissioner Heckman that without referring to the  
4 ITE Manual, he is unable to determine the p.m. peak hours for a bank.

5  
6 Commissioner Heckman referred to page 21 of the Staff Report, specifically the  
7 Facts and Findings, and questioned whether residential usage is likely on NW  
8 Cornell Road.

9  
10 Mr. Cooper stated that while he does not necessarily believe this is likely to occur,  
11 the opportunity for this usage is available and supported by CS zoning.

12  
13 Commissioner Heckman referred to page 27 of the Staff Report, requesting  
14 definition of the phrase: "along good quality transit lines", which was defined by  
15 Mr. Cooper as twenty minutes headway during the p.m. peak period.

16  
17 Commissioner Heckman observed that the applicant's traffic report indicates that  
18 up to 45% of the trips generated by a retail service use on this site will be  
19 captured as pass by trips, and referred to the trade area of a two mile radius. He  
20 expressed his concern that this would be very subjective on the type of business  
21 that may locate there.

22  
23 Mr. Cooper noted that a fast food, high turnover restaurants might generate 45%  
24 of its business from pass-by traffic.

25  
26 Commissioner Johansen referred to page 24 of the Staff Report, suggesting that  
27 references to the Sexton Mountain Village PUD be deleted.

28  
29 Commissioner Johansen referred to page 3 of the Lancaster Engineering Report,  
30 specifically trip generation for various uses in the CS zones, which have been  
31 reduced by pass-by trips. He questioned whether general and medical offices  
32 might also include some pass-by trips.

33  
34 Observing that the applicant's representative should be able to more thoroughly  
35 respond to this question, Mr. Morrison stated that medical office trips are  
36 generally actual destination trips.

37  
38 Commissioner Johansen questioned whether staff has determined that CS zoning  
39 could be applied outside of existing areas.

40  
41 Emphasizing that this has been established by the policy of the City Council, Mr.  
42 Cooper stated that this is also staff's position, adding that CS allows for the more  
43 limited scope retail and commercial services anticipated in these types of  
44 corridors and is generally consistent with the Urban Growth Functional Plan.

45

1 Commissioner Dunham referred to the second paragraph of page 12 of the Staff  
2 Report, suggesting the following correction: "...has the potential to be slightly  
3 more if rezoned from ~~CS~~ OC to ~~OC~~ CS..."

4  
5 Commissioner Dunham referred to paragraph 9 of page 29 of the Staff Report,  
6 suggesting the following correction: "Approval of RZ 2000-0002 0020..."

7  
8 Commissioner Heckman observed that the only Condition of Approval refers to  
9 the Facilities Review Conditions of Approval dated May 10, 2000, noting that he  
10 doesn't see anything from Facilities Review that he considers applicable.

11  
12 Mr. Cooper pointed out that the condition to adopt the Facilities Review  
13 conditions is a standard reference, agreeing that this particular Condition of  
14 Approval is not actually necessary and could be deleted.

15  
16 Commissioner Heckman mentioned that the market analysis requested by staff  
17 has only been submitted to the Commissioners this evening, and questioned the  
18 possibility of continuing the Public Hearing in order to review this document.

19  
20 Vice-Chairman Voytilla agreed that there is a lot of information to digest and that  
21 a continuance might be beneficial, questioning whether the applicant has waived  
22 the 120-day requirement.

23  
24 Mr. Cooper advised Vice-Chairman Voytilla that the applicant had extended the  
25 120-day requirement on two occasions, adding that the applicant should be  
26 consulted regarding any additional extension.

27  
28 **APPLICANT:**

29  
30 **DALE A. KERLIN**, 16832 South Stone Hill Drive, Molalla, OR 97045, stated  
31 that he has no objection to continuing the Public Hearing for one week in order to  
32 allow time for review of the market analysis. He observed that this information  
33 had not been available earlier due to problems beyond his control, apologizing for  
34 any inconvenience this may have caused. He mentioned that although several  
35 hotels and restaurants have considered this property, there have been no  
36 prospective office users interested in the site. He concluded, offering to respond  
37 to any questions or comments at this time.

38  
39 Commissioner Heckman advised Mr. Kerlin that it is to his advantage to allow the  
40 Commissioners adequate opportunity to review any applicable materials, adding  
41 that he personally needs more time to review this application.

42  
43 Mr. Kerlin expressed appreciation to the Commissioners for their time and efforts  
44 on behalf of this application.  
45

1 Observing that the Agenda for August 9, 2000 is already fairly substantial, Mr.  
2 Cooper suggested that this Public Hearing be continued until August 23, 2000.

3  
4 Mr. Kerlin concurred with Mr. Cooper's suggestion that the Public Hearing be  
5 continued until August 23, 2000.

6  
7 Commissioner Dunham referred to pages 3 and 4 of the Lancaster Engineering  
8 Report, specifically the trip generations to a.m. and p.m. peak periods and the  
9 pass-by trips.

10  
11 **DAVE CRAM**, 800 NW Sixth Avenue, Suite 206, Portland, OR 97209,  
12 responded that in the office trip generations, generally home to work and work to  
13 home trips are considered, adding that pass-by trips are generally not considered  
14 for this type of land use.

15  
16 Commissioner Johansen questioned whether any of the permitted uses within the  
17 OC zone designation have pass-by trips indicated within the ITE Manual.

18  
19 Mr. Cram indicated that while this is possible, they try to look at the most  
20 intensive land uses as far as the impact of trip generation is concerned.

21  
22 Commissioner Heckman referred to page 4 of the Lancaster Engineering Report,  
23 and Mr. Cram advised him that the 25 new trips indicated in the CS zoning  
24 includes individuals who would actually travel to the fast food restaurant to pick  
25 up their dinner and return home.

26  
27 Commissioner Heckman referred to a 3,500 square foot typical fast-food  
28 restaurant, questioning the size of a typical McDonald's Restaurant.

29  
30 Mr. Cram informed Commissioner Heckman that a typical McDonald's  
31 Restaurant is somewhere in the 3,500 square foot range, adding that the average  
32 for a fast-food restaurant is 3,500 square feet, 5,000 square feet for a sit-down  
33 restaurant and 4,000 square feet for a drive-in bank.

34  
35 Commissioner Johansen questioned whether a more formal request for an  
36 extension of the 120-day requirement is necessary, and Assistant City Attorney  
37 Ted Naemura advised him that a form is available to provide formal  
38 documentation.

39  
40 Mr. Cooper informed Commissioner Johansen that he has a form available for the  
41 applicant to sign this evening for official documentation of the extension of the  
42 120-day requirement.

43  
44 **PUBLIC TESTIMONY:**

45  
46 On question, no members of the public appeared to testify at this time.

Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a motion to continue RZ 99-00020 – Cornell Road Rezone of Tax Lot 100, to a date certain of August 23, 2000.

Motion **CARRIED**, unanimously.

**NEW BUSINESS:**

**PUBLIC HEARINGS:**

**B. HALL AND METZ PROPERTY**

**1. CPA 2000-0004 – COMPREHENSIVE PLAN MAP AMENDMENT**

An amendment to the Comprehensive Plan Map changing from Urban Medium Density Residential to Urban High Density Residential.

**2. RZ 2000-0007 – ZONE CHANGE**

An amendment to the Zoning Map changing from R-2 zoning allowing a maximum one unit per 2,000 square feet of land area to R-1 zoning, which allows one unit per 1,000 square feet of land area. The site is located on the east side of SW Hall Boulevard, between Metz Street and Sussex Street, and is approximately 0.67 acres in size. Map 1S1-22BC; Tax Lots 500, 601 and 603.

Commissioner Heckman observed that of the three tax lots involved in this proposed Comprehensive Plan Amendment and Rezone, two are owned by the City of Beaverton and one is owned by George Stall, expressing his concern that staff had been unable to contact Mr. Stall. He questioned the validity of a quasi-judicial Comprehensive Plan Amendment and Rezone without the approval of the property.

Mr. Naemura indicated that he had advised Senior Planner John Osterberg that it would be appropriate for the Commission to amend the application document by inserting the City of Beaverton Planning Commission in the space for the name of the owner of the property, which is currently blank. He emphasized that the Development Code authorizes the Planning Commission to institute zone changes.

Commissioner Heckman questioned whether this would require the consensual agreement of the Planning Commission.

Mr. Naemura assured Commissioner Heckman that the Development Code authorizes the Planning Commission, Mayor and City Council to initiate a quasi-judicial application.

1 Observing that Mr. Naemura had mentioned inserting the Planning Commission  
2 in place of the name George Stall, Commissioner Heckman suggested that the  
3 Planning Commission might not wish to be the applicant in this action.  
4

5 Mr. Naemura advised Commissioner Heckman that it is feasible to approach  
6 another body, such as the Mayor or City Council, and request that their name(s)  
7 be inserted in this blank space. He emphasized that the list of individuals  
8 authorized to take this action is small.  
9

10 Commissioner Heckman questioned whether clarification that the City of  
11 Beaverton as a legislative function had instituted this action is feasible.  
12

13 Mr. Naemura informed Commissioner Heckman that due to numerous issues  
14 involved in this action, he is not certain that this could be processed legislatively,  
15 pointing out that staff has not made this particular request.  
16

17 Development Services Manager Irish Bunnell clarified that the code allows the  
18 City of Beaverton to initiate zone changes, either legislative or quasi-judicial,  
19 adding that in this particular case, the Mayor has initiated this action and directed  
20 staff to instigate this zone change.  
21

22 Upon being informed by Mr. Bunnell that this action of the Mayor is documented,  
23 Commissioner Heckman withdrew his concerns.  
24

25 Commissioners Heckman, Barnard, Johansen and Dunham and Vice-Chairman  
26 Voytilla indicated that they had visited the site.  
27

28 Mr. Osterberg presented the Staff Reports for the two applications concerning a  
29 single piece property, adding that the City of Beaverton has contracted with Sally  
30 Rose, a private planning consultant to prepare and submit these application on  
31 their behalf. He submitted copies of a memorandum regarding a water system  
32 analysis dated July 14, 2000 from City Utilities Engineer David Winship. He  
33 observed that the Staff Reports refer to the necessity of performing an analysis of  
34 the local water system, specifically the capacity of the local public water system  
35 and determine any necessary improvements. He pointed out that the analysis had  
36 determined the necessity of an additional water line in this area, adding that he  
37 anticipates that this would be a Condition of Approval for any residential  
38 development that might occur.  
39

40 Planning Consultant Sally Rose introduced Howard Stein, representing Stein  
41 Engineering and Steve Ferrarini, representing Hobson Ferrarini Associates,  
42 explained that when the Laurel Ridge Condominiums had been approved in the  
43 early 1980's, the density allowed for that development had included the area  
44 which is now Tax Lot 603. She clarified that the current R-2 Urban Medium  
45 Density zoning and the Comprehensive Plan designation allows no more density  
46 on this City-owned parcel and no further development could be permitted. She

1 stated that the proposed plan amendment to high density would result in a range  
2 between 11 and 45 units, adding that the zone change from R-2 to R-1 would  
3 allow for a range of 18 to 22 units on the entire parcel. She discussed the need for  
4 higher density designated land within the City of Beaverton, observing that the  
5 Hobson Farrarini analysis provides this information. She described the mix of  
6 residential uses currently within this area, including apartments, condominiums,  
7 single-family residences and a mobile home park, adding that these uses have  
8 existed for a period of time in this established neighborhood. She referred to the  
9 zoning map, Exhibit G, adding that a variety of transportation options are  
10 available from this particular site to nearby employment and shopping areas, and  
11 mentioned that the site is adjacent to existing public facilities that are or can easily  
12 be made adequate to serve this development. She described a minimal increase in  
13 traffic, specifically five additional a.m. peak hour trips and six additional p.m.  
14 peak hour trips. She mentioned that the zoning in the area is also mixed, adding  
15 that it includes R-1, several other residential zones and commercial zoning.

16  
17 Commissioner Heckman observed that the surrounding zones are R-2 and R-7,  
18 and Ms. Rose advised him that the darkest areas on the map indicate the current  
19 R-1 zones, from Allen Boulevard south, to just north of Metz Street on either side  
20 of 124<sup>th</sup> Avenue.

21  
22 Ms. Rose pointed out that Metro requirements provide that the City of Beaverton  
23 provides for higher density in locations that meet a variety of criteria, including  
24 proximity to mass transit, shopping and employment opportunities. She observed  
25 that while this might appear to be spot zoning, a review of the entire area indicates  
26 that this is consistent with what is already in place.

27  
28 Mr. Osterberg referred to page 30 of the Rezone Staff Report, observing that this  
29 site is located within a corridor, adding that staff is considering treating this in a  
30 more uniform way.

31  
32 Commissioner Heckman questioned the availability of good quality public  
33 transportation service on Hall Boulevard, specifically available bus service at  
34 11:00 a.m. and 2:00 p.m.

35  
36 Ms. Rose advised Commissioner Heckman that she does not have this specific  
37 information.

38  
39 Commissioner Heckman commented that much of the same information was  
40 included in both Staff Reports, and Mr. Osterberg advised him that the City's  
41 policy is to provide separate Staff Reports for separate applications and separate  
42 land use orders.

43  
44 Observing that Lot 603 was originally part of a Planned Unit Development –  
45 Laurel Ridge Condominiums, Commissioner Johansen mentioned that often such  
46 a development provides a grouping of the density in a portion of the site in order

1 to protect a wetland or some other such feature or amenity elsewhere within the  
2 site. He requested clarification of how the City of Beaverton had acquired control  
3 of this lot.

4  
5 Mr. Osterberg advised Commissioner Johansen that while he is not certain of the  
6 specific details, he does know that the City was given ownership of both Lot 601  
7 and Lot 603.

8  
9 Referring to Commissioner Johansen's concern with the fairness issue, Ms. Rose  
10 observed that no resident of the Laurel Ridge Condominiums attended the  
11 Neighborhood Meeting.

12  
13 Commissioner Johansen questioned the significance of a pre-application letter  
14 from *Habitat for Humanity*, specifically, if they are the developer, why they  
15 would not also be the applicant.

16  
17 Mr. Osterberg advised Commissioner Johansen that he understands that *Habitat*  
18 *for Humanity* had not submitted these proposals, adding that the goal for these  
19 applications is to rezone the property to be available for future residential  
20 development.

21  
22 Commissioner Dunham referred to the Memorandum from Mr. Winship that had  
23 been distributed this evening, pointing out that it identifies *Habitat for Humanity*  
24 Proposed Development Water Systems Requirement.

25  
26 Mr. Osterberg advised Commissioner Dunham that this site is informally  
27 identified by staff as the *Habitat for Humanity* Site, emphasizing that there are no  
28 particular proposals for any developments in this area from *Habitat for Humanity*  
29 or any other entity or individual.

30  
31 Observing that Commissioner Barnard is ill and intends to leave, Vice-Chairman  
32 Voytilla indicated that only four Commissioners would be available for the  
33 remainder of the meeting.

34  
35 Commissioner Heckman requested information on the black-topped path located  
36 on Tax Lot 601.

37  
38 Mr. Osterberg informed Commissioner Heckman that this path had been placed  
39 there in compliance with a Condition of Approval for the Laurel Ridge  
40 Condominiums, adding that it had been donated to the City of Beaverton to be  
41 considered for a future public street. In the event the Rezone and Comprehensive  
42 Plan Amendment are adopted, alternatives for this path could be considered.

43  
44 Commissioner Heckman observed that the condition for this pathway actually  
45 runs with the land, regardless of the Rezone or Comprehensive Plan Amendment.  
46

1 Mr. Osterberg agreed, indicating that any future development might require a  
2 modification of that Conditional Use Permit or maintenance of the path, as is, by  
3 any potential developer.

4  
5 Commissioner Heckman referred to page 5 of the Staff Report and the Traffic  
6 Study in Table 2, specifically whether improved bus service will be available.

7  
8 Ms. Rose advised Commissioner Heckman that Mr. Stein is better prepared to  
9 address this issue.

10  
11 **APPLICANT:**

12  
13 Ms. Rose requested that Mr. Stein and Mr. Ferrarini come forward to respond to  
14 comments and questions.

15  
16 Commissioner Johansen referred to the mailing list for the Neighborhood  
17 Meeting, requesting confirmation that the residents of Laurel Ridge  
18 Condominiums are included.

19  
20 Ms. Rose observed that while it appears that the residents of Laurel Ridge  
21 Condominiums are included on the mailing list, she prefers to make certain before  
22 providing a definite response.

23  
24 Commissioner Dunham pointed out that George Stall on SW 9<sup>th</sup> Avenue is  
25 included on the mailing list, observing that his property is near the proposal, and  
26 questioned whether he is available for comment.

27  
28 Mr. Osterberg indicated that although the City of Beaverton has attempted to  
29 contact Mr. Stall by both regular and certified mail, they have received no  
30 response, adding that he is reluctant to guess at the situation.

31  
32 Commissioner Heckman questioned whether a receipt had been received from the  
33 certified mail, and Mr. Osterberg advised him that the letter had been returned as  
34 not accepted.

35  
36 Commissioner Heckman questioned whether the county taxes are current on this  
37 property, and Mr. Osterberg informed him that although he did not obtain this  
38 information, the address had been obtained from the tax rolls.

39  
40 Ms. Rose informed Commissioner Johansen she had determined that residents of  
41 the Laurel Ridge Condominiums had been included in the mailing list, adding that  
42 the lots appear to be owned by Westin Investment Property.

43  
44 Mr. Osterberg advised that all of the lots included in the Laurel Ridge  
45 Condominiums are owned by Westin Investment Company.

46



1 Ms. Rose pointed out that some of the property is owned by Joseph and Marilyn  
2 Westin.

3  
4 Mr. Osterberg clarified that there are actually two separate addresses for Westin.

5  
6 **HOWARD STEIN**, 8196 SW Hall Boulevard #308, Beaverton, OR 97008,  
7 Principal Engineer for Stein Engineering, responded to Commissioner Heckman's  
8 question regarding traffic and level of service, and referred to Table 2 on page 5.  
9 He described the level of service as being based upon what the model estimates  
10 vehicle delay to be, adding that unfortunately, the model developed by the Federal  
11 Highway Administration is rather poor and that the estimate and what actually  
12 occurs may vary.

13  
14 Expressing his appreciation of the information Mr. Stein had provided,  
15 Commissioner Heckman pointed out that the Commission had never received  
16 such detailed information on this subject.

17  
18 Commissioner Johansen requested clarification of the number of days and times  
19 these statistics were based upon.

20  
21 Mr. Stein advised Commissioner Johansen that peak hour volume figures are  
22 typically determined in one day, adding that once the results have been received,  
23 spot-checks are then conducted at various times. He agreed that conflicting turns  
24 in the area create the potential for additional delays.

25  
26 Commissioner Johansen expressed his appreciation of attempts to increase density  
27 and his opinion that Tri-Met's definition of frequent bus service means weekly.

28  
29 Mr. Stein mentioned that he is aware of several individuals who utilize and are  
30 satisfied with Tri-Met's transit services.

31  
32 Ms. Rose emphasized that this site has good potential for designation for higher  
33 density residential development, observing that it is appropriate in this solid  
34 neighborhood of mixed uses. She mentioned that transit services and utilities are  
35 available, adding that the site is flat without any outstanding physical features,  
36 adding that she has discussed the potential of this site with several interested  
37 individuals.

38  
39 **PUBLIC TESTIMONY:**

40  
41 **CATHERINE ARNOLD**, 6771 SW 162<sup>nd</sup> Drive, Beaverton, OR 97007,  
42 representing *Leadership Beaverton Class*, provided a brief historical perspective  
43 of the site, observing that she had reviewed the minutes from the Laurel Ridge  
44 Condominiums Planned Unit Development. She explained that she had  
45 participated in the *Chamber of Commerce's* Beaverton Leadership series, which  
46 had basically reviewed all of the different elements of this local government. She

1 mentioned that her group had elected to work with *Habitat for Humanity* to  
2 provide affordable housing within the community, adding that Mayor Drake had  
3 indicated that this parcel of land could be made available for this purpose. She  
4 explained that while *Habitat for Humanity* would really prefer to locate three  
5 single-family homes on Tax Lot 603, this option can not be discussed until the  
6 zoning has been approved.

7  
8 Vice-Chairman Voytilla advised Ms. Arnold that specific issues regarding *Habitat*  
9 *for Humanity* could not be addressed at this time.

10  
11 **DAVID ANDERSON**, 12023 SW Camden Lane, Beaverton, OR 97008,  
12 representing the *New Horizons Homeowners' Association*, which is the Planned  
13 Unit Development adjacent to the site. He referred to a letter they had submitted,  
14 dated July 26, 2000, adding that he had been designated to address their concerns  
15 with this proposal, particularly traffic. He expressed his opinion that this is not in  
16 the best interest of the neighborhood and his concern with the increased height  
17 allowance for the proposed rezone, from 35 feet to 60 feet. He mentioned that  
18 they do not agree that it is necessary to change zones from Urban Medium to  
19 Urban High in an attempt to provide as much housing as possible along this  
20 corridor.

21  
22 Commissioner Johansen referred to Mr. Anderson's concern with traffic and  
23 building height; he questioned whether the *New Horizons Homeowner's*  
24 *Association* would be comfortable if Conditions of Approval that addressed these  
25 issues were imposed.

26  
27 Mr. Anderson expressed his opinion that such conditions could very likely  
28 alleviate some of these concerns.

29  
30 Commissioner Heckman mentioned that the sharp turn at the end of Metz Street  
31 does serve to slow traffic, adding that this short street should discourage higher  
32 rates of speed.

33  
34 Mr. Anderson agreed with Commissioner Heckman regarding Metz Street,  
35 advising him that his concern with traffic involves Sussex Street.

36  
37 Commissioner Heckman expressed his opinion that an individual would most  
38 likely take this turn fast only one time.

39  
40 **CHRISTOPHER REDMOND**, 7470 SW Alpine Drive, Beaverton, OR 97008,  
41 representing the Vose NAC, expressed his appreciation to Ms. Arnold for her  
42 willingness to share her information regarding the efforts of *Habitat for Humanity*  
43 and encouraged her and Mr. Osterberg to attempt to work with the NAC towards  
44 a mutually agreeable solution to this issue. On behalf of the Vose NAC, he  
45 requested a denial of both the Comprehensive Plan Amendment and the Rezone  
46 for the Hall/Metz site. He mentioned that he had personally visited the home of

1 George Stall, adding that although he had not personally spoken with him, Mr.  
2 Stall is alive and still resides in the house. He stated that he had personally  
3 observed a rather substantial pile of mail on Mr. Stall's kitchen table, expressing  
4 his opinion that while he may have received the information regarding these  
5 applications, he has very likely not actually read it. He discussed the issue of  
6 whether residents of Laurel Ridge Condominiums had been included on the  
7 mailing list, observing that while they had received notification, as renters, they  
8 have no vested interest and have the option of moving someplace else. Observing  
9 that he is not familiar with all of the codes and legal issues involved, he stated that  
10 it is his understanding that when the density of a portion of a development is  
11 increased, the remaining segment is retained as green space for the purpose of  
12 providing enjoyment to the individuals living within the development. He  
13 mentioned that while a mobile home community exists within the neighborhood,  
14 it is not located within 500 feet of the proposal, emphasizing that there is no R-1  
15 in the immediate neighborhood and expressing his opinion that this would not be  
16 consistent. Observing that this site is already zoned multi-family; he questioned  
17 the necessity of the rezone. He emphasized that the City of Beaverton has the  
18 highest percentage of multi-family units in the State of Oregon.

19  
20 Vice-Chairman Voytilla reminded Mr. Redmond of his intent to recapitulate his  
21 points from tonight's meeting of the Vose NAC and requested that he attempt to  
22 summarize and conclude his testimony.

23  
24 Emphasizing the high percentage of multi-family residence within the city, Mr.  
25 Redmond expressed his opinion that it is not necessary for the City of Beaverton  
26 to meet Metro's 2040 Plan for the entire region. He referred to page 13 of the  
27 Staff Report, specifically reference to market restraints and increased VMTs,  
28 observing that some of these conclusions are not accurate, particularly the  
29 reference to substantial compliance. He mentioned a conversation with John  
30 Osterberg, emphasizing that other options are feasible for Lot 603.

31  
32 On question, Mr. Redmond informed Commissioner Johansen that he believes  
33 that acceptable solutions are available to resolve this issue.

34  
35 Commissioner Johansen suggested the possibility of continuing the Public  
36 Hearing with the intent to allow the opportunity to condition the Rezone that  
37 would satisfy the concerns of the neighborhood while meeting the intent to allow  
38 future development of the site. He advised Mr. Redmond that he is mistaken in  
39 his assumption that when density occurs on a portion of a property the remainder  
40 of the property is considered green space, adding that the process involves  
41 considering the overall density for the site.

42  
43 Observing that the City of Beaverton apparently acquired Tax Lots 601 and 603,  
44 Commissioner Heckman questioned the status of the Planned Unit Development  
45 in regard to Tax Lot 500, which belongs to Mr. Stall  
46

1 Mr. Redmond advised Commissioner Heckman that it is his understanding that  
2 there is no Planned Unit Development on this particular lot, although he has not  
3 personally researched this issue.

4 Vice-Chairman Voytilla questioned whether this issue was discussed by the entire  
5 NAC, and Mr. Redmond informed him that it was discussed at the pre-scheduled  
6 monthly NAC Board Meeting, adding that ten members of the fifteen member  
7 Board, had been in attendance.

8  
9 Vice-Chairman Voytilla requested that **KEN McCORMICK**, 9999 SW 85<sup>th</sup>  
10 Avenue, Tigard, OR 97223, who is in favor of the rezone, come forward to  
11 testify, and was informed that Mr. McCormick had left.

12  
13 **BOB LINDSAY**, 1206 NW 25<sup>th</sup> Street, Portland, OR 97210, Vice-President of  
14 *Willamette West Habitat for Humanity*, clarified their goal to eliminate sub-  
15 standard housing from the west side of the Willamette River to the west side of  
16 Hillsboro, and from the Columbia River down to Wilsonville. He described their  
17 projects over the past few years, including over 40 houses that have been  
18 completed or are in the construction process, none of which have been built  
19 within the City of Beaverton. He stated that they had been unable to locate  
20 appropriate and economically feasible property, adding that the Board had been  
21 considering this particular piece of property for some time. On question, he  
22 advised Commissioner Voytilla that they could not submit any application until  
23 the rezone has been granted.

24  
25 Commissioner Heckman questioned whether Mr. Lindsay could utilize this lot  
26 under the present R-2 zoning.

27  
28 Mr. Lindsay informed him that he could utilize this lot if sufficient capacity was  
29 available within the R-2 zoning, adding that there is no capacity remaining on this  
30 property due to the Planned Unit Development. He emphasized that the scope of  
31 any project would be largely dependent upon the amount of necessary  
32 infrastructure on the property.

33  
34 **LEON TAYLOR**, 6780 SW 153<sup>rd</sup> Avenue, Beaverton, OR 97007, Volunteer  
35 Controller of *Willamette West Habitat for Humanity*, observed that the Planned  
36 Unit Development is not utilizing the property as green space due to inadequate  
37 access. He emphasized the constant struggle to locate and acquire affordable land  
38 and expressed his support of the proposed rezone.

39  
40 On question, no other members of the public appeared to testify at this time.

41  
42 **APPLICANT REBUTTAL:**

43  
44 Ms. Rose clarified that she had been contracted to prepare and submit this  
45 application because of the lack of staff time available. She mentioned that the  
46 Neighborhood Meeting in May 2000 had raised issues with potential cut-through

1 traffic in the *New Horizons* area, emphasizing that this is a legitimate concern and  
2 that there would be adequate opportunity to impose conditions to alleviate this  
3 problem.

4  
5 Vice-Chairman Voytilla reminded Ms. Rose that rebuttal testimony is limited to  
6 issues raised during public testimony.

7  
8 Ms. Rose referred to concern with what is actually regarded as a neighborhood,  
9 pointing out that she had included a map designating this area and that it includes  
10 the areas within the closest arterials and collector streets, specifically Hall  
11 Boulevard to the west, Allen Boulevard to the north, Lombard Avenue to the east  
12 and Denney Road to the south.

13  
14 **STEVE FERRARINI**, 610 SW Alder Street, Portland, OR 97205, representing  
15 Hobson Ferrarini Associates discussed the density of the property, which he  
16 described as an average density for a corridor.

17  
18 Mr. Osterberg commented that he had obtained a bus schedule serving the site,  
19 observing that it is served by Tri-Met Route 76 both northbound and southbound  
20 every 30 minutes between the hours of 11:00 a.m. and 2:00 p.m. during the week.  
21 He referred to the proximity of this site to the nearest R-1 zone, pointing out that  
22 the distance is approximately 280 feet at its nearest point – nearly 1-1/2 blocks.

23  
24 Commissioner Johansen requested legal counsel regarding the conditioning of  
25 rezones, and Mr. Naemura advised him that it would be necessary to identify the  
26 criteria.

27  
28 Observing that it is 10:57 p.m., Commissioner Heckman suggested that the Public  
29 Hearing be continued and that the meeting adjourn by 11:15 p.m.

30  
31 Commissioner Dunham expressed her agreement of suspending the rules and  
32 continuing until or beyond 11:15 p.m.

33  
34 Commissioners Johansen and Heckman and Vice-Chairman Voytilla expressed  
35 their opinion that this issue would not likely be resolved by 11:15 p.m.

36  
37 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a  
38 motion that the rules be suspended and the meeting continue until 11:05 p.m.,  
39 suggesting that the Public Hearing be continued to a date certain for deliberation  
40 and a decision.

41  
42 Motion **CARRIED**, unanimously.

43  
44 Mr. Naemura suggested that the Public Hearing be continued to a date certain, 45  
45 days from now, in order to provide another opportunity to contact Mr. Stall.

46

1 On behalf of the applicant, Mr. Naemura observed that the applicant has indicated  
2 a willingness to waive the 120-day requirement for as long as necessary.

3  
4 Mr. Osterberg suggested that the Public Hearing be continued until September 20,  
5 2000.

6  
7 Commissioner Dunham **MOVED** and Commissioner Johansen **SECONDED** a  
8 motion to continue the Public Hearing for CPA 2000-0004 – Hall/Metz Site  
9 Comprehensive Plan Amendment to a date certain of September 20, 2000.

10  
11 Motion **CARRIED**, unanimously.

12  
13 Commissioner Dunham **MOVED** and Commissioner Johansen **SECONDED** a  
14 motion to continue the Public Hearing for RZ 2000-0007 – Hall/Metz Site Rezone  
15 to a date certain of September 20, 2000.

16  
17 Motion **CARRIED**, unanimously.

18  
19 **APPROVAL OF MINUTES:**

20  
21 At the suggestion of Commissioner Voytilla, approval of the minutes of the  
22 meeting of July 12, 2000 was continued to August 9, 2000.

23  
24 **MISCELLANEOUS BUSINESS:**

25  
26 The meeting adjourned at 11:15 p.m.  
27  
28

